IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
WRIT PETITION NO : 17383 of 1994

Between:

M/s. Anand(A.P) Publishers, rep. by its Proprietor Nanda Venkateswara Rao

S/o. Janardhana Reddy, r/o. Makinavari Lane, Kothapet, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Government of A.P. rep. by its Secretary
Educatiion Depart, A.P. Secretariat buildings,. Hyderabad.
2 The Government of A.P. rep. by its Secretary, Home Department
A.P., Secretariat buildings, Hyderabad.
3 The Director General of Police, A.P., HYDERABAD.
4 The Commissioner of Police, Vijayawda Urban, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents herein especially 3rd and 4th Respondents herein in interfering with the day-to-day printing, publishing and marketing of books of 1st Standard to 10th Class, publishing by the petitioner herein on one pretext or other, by abusing the process of law as illegal, void and without jurisdiction and to direct the Respondents not to interfere with the petitioner's business as the petitioner did not violate any of the provisions of Section 52 of the Indian Copy Right Act of 1957.

Advocate for the Petitioner: MR.G.DHARMA RAO

Advocate for the Respondent No.1: GP FOR SCHOOL EDUCATION

The Court made the following :

O R D E R :

The Writ Petition was filed by petitioner on 28.9.1994 questioning the action of the respondents in causing interference with the publication, printing and marketing, analysis and review of books from first to tenth standard alleging that the petitioner by publishing, printing and marketing books, has not violated any of the provisions of section 52 of the Indian Copy Right Act, 1957 (for short, “the Act), and the respondents are putting unnecessary hurdles in the petitioner’s business by causing interference.

When the writ petition was filed, interim order was passed on 11.10.1994 directing the respondents not to interfere with the business of the petitioner if it has not violated any of the provisions of Section 52 of the Act. The said interim order has remained in force till today.

Counter affidavit was filed by the respondent no.1 opposing the writ petition saying that it is unjust to copy any part of the text book material over which the government has got the power without prior permission, and that the petitioner has been violating the provisions of

the Act.

I have gone through the material on record. In case the petitioner is indulging in violating any of the provisions of the Act or any other law, rules or regulations, nothing prevents the respondents in taking appropriate action in accordance with law against the petitioner. As and when action is initiated in accordance with law by respondents against the petitioner, the petitioner can avail his remedies in defending those proceedings in accordance with law. But, without there being any contravention of any of the provisions of the law, the respondents can not put hurdles in the petitioner in carrying on its lawful business.

Therefore, the Writ Petition is disposed of with direction to respondents that the respondents will not interfere with the petitioner's business and in case the petitioner would violate any provisions of law or infringe any rights of respondents, it would be open for respondents to take action against the petitioner in accordance with law.

24.06.2004

Copy to:

1)The Secretary, Education Department, Govt. of A.P., Secretariat buildings, Hyderabad.

2)The Secretary, Home Department, Govt. of A.P., Secretariat buildinhgs, Hyderabad.

3)The Director General of Police, A.P., Hyderabad.

4)The Commissioner of Police, Vijayawada Urban, Vijayawada, Krishna dist.

5) Two CCs to the G.P.for Education, High Court buildings, Hyderabad (o.u.t.)

6)Two CCs to the G.P. for Home, High Court buildings, Hyderabad (o.u.t.)

7)Two CD copies.

DRK/TVR